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09/805,600	03/13/2001	Keiji Yuzawa	SONYJP 3.0-145	9300

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2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/805,600	YUZAWA, KEIJI
	Examiner	Art Unit	
	Kirubel Aklilu	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 March 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 March 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>11/13/2003</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by

Ebisawa (U.S. Patent # 5,886,731).

1. As for **Claim 1**, Ebisawa teaches a digital signal receiver, comprising:

        A reception processor operable to receive a broadcast signal

containing information data (see Ebisawa Fig. 11 unit 202 RECEIVING

UNIT, unit 201 RECEIVING STATE INFORMATION TRANSMITTING

UNIT, unit 203 and unit 204 SELECTING UNIT, unit 209 CONTROL UNIT,

col. 8 lines 24-31 "the receiving unit 202 receives the signal transmitted

from the AV data transmitting apparatus 100a, separates the multiplexed

signals of the channels, and outputs . . .") and to cause said information

data to be displayed on a display unit by using a browser (see Ebisawa

Fig. 11 unit 200a and 300 Monitor, col. 7 line 66 – col. 8 line 5 "the AV

(Audio/Video) data receiving apparatus 200a has connected to it a monitor

300 and a command input unit 301. The viewer selects a desired program

and . . . views the program and CMs (commercials) displayed on the

monitor 300"); and

A distributed information storage unit operable to obtain said

information data from said reception processor (see Ebisawa Fig. 4 200a

unit 205 COMMUNICATION CODE DECODER, 207 STORING UNIT, and

unit 208 IMAGE DECODER, col. 8 lines 38-53 "the communication code

decoder 205 decodes the reception signal inputted from the selecting unit

203 . . .and outputs the result to the storing unit 207 . . . it is possible for

the storing unit 207 to pass the input data there through and immediately

output the same to the image decoder 208.")), to store said information

data in a data storage device (see col. 8 lines 42-44 "the storing unit 207

is a storage means for storing the program data stream and CM data

stream inputted from the communication code decoder 205."), to read said

information data in a data storage device (see col. 8 lines 54-56 "the

image decoder 208 successively reads the program data and CM data

stored in the storing unit 207 based on the control signal . . ."), and to

supply said read information data to said reception processor for display

(see col. 8 lines 54-64 "the image decoder 208 successively reads the

program data and CM data stored in the storing unit 207 and decodes that

video data. The decoded program data of the video data is outputted from

the AV data receiving apparatus 200a and is outputted so that it can be

viewed by the monitor 300."), said distributed information storage unit

including

A period separating unit operable to separate from said information

data one period of data having an amount of data corresponding to plural

periods which are periodically contained in said broadcast signal (see

Ebisawa Fig. 7A – 7C, col. 14 lines 4-28 "in the multiplexing unit 109, part

of the data of the CMs read from the CM data storing unit 105 is inserted

in the vertical synchronization of the video data . . . more specifically, as

shown in FIG. 7A, the 20 lines worth of the CM data are inserted during

one field of the program data" and col. 14 lines 25-29 "Fig. 7C, it becomes

possible to multiplex one CM of 15 seconds with program data of length of

225 seconds, and four CMs of 15 seconds with program data of 15

minutes" and Fig. 11 unit 203 FIRST SELECTING UNIT and unit 204

SECOND SELECTING UNIT, col. 15 lines 29-48 "The first selecting unit

203 selects the signal of the channel through which the program of the

main object of the transmission is transmitted from among the signals unit

202 and outputs the result to the first communication code decoder 205.

Further, the second selecting unit 204 always selects the signal of the

channel through which the AV data of the CMs is transmitted from among

the signals of a plurality of channels received at the receiving unit 202 and

outputs the result to the second communication code decoder 206. ").

The teaching in Fig. 7A- 7C and col. 14 lines 4-28 is interpreted to

represent *one period of data having an amount of data corresponding to*

plural periods which are periodically contained in said broadcast signal.

For instance, with respect to Fig. 7B, col. 14 line 19-24 teaches "the audio

data and control information for a frame of the CM become an amount of

information that can be transmitted by 3 frames worth of the program data"

is interpreted as one period of data (one frame of the CM) having an

amount of data corresponding to plural periods (3 frames worth of the

program data). The period separating unit is interpreted as unit 203 FIRST

SELECTING UNIT and unit 204 SECOND SELECTING UNIT because

these units separate the CM frames from the data program frames and

stores the CM separately into a storing unit and separates the program

data and stores it separately in a storing unit as well (see col. 15 lines 29-

40); and

A periodizing unit operable to process said one period of data into

periodized information data having said plural periods (see col. 15 line 49

– col. 16 line 19, "In the storing unit 207, when the time becomes 0:00,

first, the CM data inputted from the second communication code decoder

206 is outputted to the image decoder 208 as it is for 30 seconds. During

this time, the AV data of the desired program inputted from the first

communication code decoder 205 is stored in the storing unit 207. When

the CM is outputted for 30 seconds and the time becomes 0:00:30, the

storing unit 207 starts the output of the AV data of the desired program of

30 seconds which was received from the time 0:00 and has been already

stored in the storing unit 207 . . .when the time becomes 0:30, the storing

unit 207 selects the AV data of the CMs inputted from the second

communication code decoder 206 again and outputs this to the image

decoder 208. . .By doing this, the AV data can be outputted in the form as

shown in Fig. 5B"). As is shown in Fig. 5B, CMs are inserted periodically

into the program A, thus the storage unit 207 and image decoder 208 are

interpreted as a periodizing unit operable to process said one period of

data into periodized information data having said plural periods.

2. As for **Claim 2**, Ebisawa teaches the digital signal receiver as claimed in claim 1,

wherein said distributed information storage unit includes said data storage

device (see Fig. 11 unit 200a receiving apparatus and unit 207 Storing Unit, col.

8 lines 42-44 "the storing unit 207 is a storage means for storing the program

data stream and CM data stream inputted from the communication code decoder

205.").

3. As for **Claim 8**, it is a method claim corresponding to the apparatus Claim 1.

Therefore, Claim 8 is analyzed and rejected as previously discussed with respect

to Claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ebisawa (U.S. Patent # 5,886,731).

4. As for **Claim 3**, although Ebisawa does not expressly teach said distributed

information storage unit further includes a table-of-contents generating unit

operable to generate a menu frame representing plural information items

contained in said read information data, Ebisawa does teach a command input

unit 301 that allows the user to select a program and a method of insertion of

CMs (see Fig. 11 unit 301 Command Input Unit, col. 8 lines 1-5 "The viewer

selects a desired program and a method of insertion of CMs with respect to that

program, the amount of insertion, and the type of CMs by the command input unit

301 and views the program and CMs displayed in the monitor 300"). However,

Official Notice is taken that it is well known in the art to have a table-of-contents

generating unit operable to generate a menu frame representing plural

information items contained in said read information data. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was

made to have the distributed information storage unit taught in Ebisawa to further

include a table-of-contents generating unit operable to generate a menu frame

representing plural information items contained in said read information data. One would have been motivated to do this in order to have visual means (such as a menu frame) for the user to efficiently select a desired program and a method of insertion of CMs with respect to that program.

5. As for **Claim 4**, the modified Ebisawa teaches the table-of-contents generating unit is operable to generate said menu frame for each user by inputting preference information for each said user (see Ebisawa col. 8 lines 1-5 "The viewer selects a desired program and a method of insertion of CMs with respect to that program, the amount of insertion, and the type of CMs by the command input unit 301 and views the program and CMs displayed in the monitor 300"). As a viewer selects a desired program and a method of insertion of CMs with respect to that program, a user is inputting his/her preference information.

6. As for **Claim 5**, the modified Ebisawa teaches the table-of-contents generating unit is operable to generate said menu frame by inputting information on priorities of contents, which a user wants to watch/listen to (see Ebisawa col. 8 lines 1-5 "The viewer selects a desired program and a method of insertion of CMs with respect to that program, the amount of insertion, and the type of CMs by the command input unit 301 and views the program and CMs displayed in the monitor 300"). The selection that a user makes above (such as what channel to watch among a plurality of channels, the method of insertion of CMs among a plurality of methods of insertion of CMs, and the type of CMs among a plurality of CMs) is interpreted to be information based on priorities of contents, because it is

interpreted that the user will naturally make his selection based on his/her

personal priority of the contents presented to him/her.

Claims 6-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ebisawa (U.S. Patent # 5,886,731) in view of Son et al. (U.S. patent number

6,229,895).

7. As for **Claim 6**, Ebisawa does not expressly teach that said reception processor

includes an encryption unit operable to encrypt said information data before said

information data is obtained by said distributed information storage unit.

However, Ebisawa does teach said distributed information storage unit further

includes a decryption unit (see Ebisawa Fig. 11 unit 208 IMAGE DECODER, col.

8 lines 54-57 "The image decoder 208 successively reads the program data and

CM data stored in the storing unit 207 based on the control signal from the

control unit 209 and decodes that video data") operable to decrypt said

information data obtained from said reception processor. Son et al however

teach a method of securing video distribution system wherein a remote server

receives an encrypted video signal, decrypts the video signal, re-encrypts the

video programming into a second encrypted form, and stores this video signal

and transmits the encrypted signal until the encrypted signal is transmitted at the

request of a client device (see Son et al. col. 1 lines 40-50 "a remote server

receives video programming in a first encrypted form, decrypts the video

programming, re-encrypts the video programming into a second encrypted form,

and then stores the video programming in the second encrypted form . . ."). In

light of the teaching of Son et al., it would have been obvious to one of ordinary

skill in the art to modify the reception processor unit and distributed information

unit of Ebisawa to include an encryption and decryption unit to respectively

encrypt and decrypt said information data before it is transferred from the

reception processor to the distributed information storage unit and vice versa.

One would have been motivated to do this in order to add an extra level of

security to impede a possible unauthorized interception of said information data

between the reception processor unit and distributed storage unit (see Son et al.

col. 1 lines 10-25).

8. As for **Claim 7**, Claim 7 differs from Claim 6 in that said distribution information

   storage unit further includes an encryption unit operable to encrypt said

   periodized information data before *said periodized information data* is supplied to

   said reception processor, and said reception processor includes a decryption unit

   operable to decrypt *said periodized information data* supplied from said

   distributed information storage unit. In light of the discussion presented above in

   Claim 6, it would have also been obvious to one of ordinary skill in the art to

   modify the ﹡﹡﹡﹡ distribution information storage unit to further include an

   encryption unit operable to encrypt said periodized information data before said

   periodized information data is supplied to said reception processor, and to also

   modify said reception processor to include a decryption unit operable to decrypt

said periodized information data supplied from said distribution information storage unit. One would have been motivated to do this in order to add an extra level of security to impede a possible unauthorized interception of said periodized information data between the distributed storage unit and reception processor unit (see Son et al. col. 1 lines 10-25)

9. As for **Claim 9**, claim 9 is analyzed with respect to claim 6 and is rejected accordingly.

10. As for **Claim 10**, claim 10 is analyzed with respect to claim 7 and is rejected accordingly.
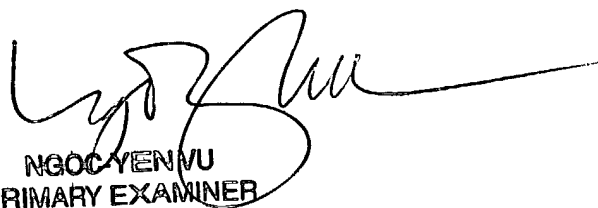
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirubel Aklilu whose telephone number is 703-305-8144. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

KA
12/14/2004

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PRIMARY EXAMINER